



Home Instruction in Virginia

Information for Parents
2005-2006

Introduction

In Virginia, parents must ensure that a child attends school in compliance with the state **compulsory attendance law** as specified in § 22.1-254 of the Code of Virginia when the child has reached his 5th birthday on or before September 30 of any school year or has not passed his 18th birthday. Parents who believe that a child is not mentally, physically, or emotionally prepared to attend school may inform the school board that they want to delay school attendance until the following year if the child has not reached his 6th birthday on or before September 30.

The compulsory attendance law requires that a child subject to that law attend a private or public school or receive an education through one of the other Code alternatives to school attendance unless the child falls within one of the Code exceptions. Home instruction or home schooling is one alternative. In Virginia a *parent* or any person who falls within the definition of that term may provide home instruction as prescribed by § 22.1-254.1 of the Code. *Parent* means “any parent, guardian, legal custodian, or other person having control or charge of a child.” (§ 22.1-1 of the Code of Virginia)

Section 22.1-262 of the Code requires a school attendance officer to refer to a juvenile and domestic relations court (with the knowledge and approval of the school superintendent) any parent who violates the compulsory attendance law.

Other Options for Parents

In addition to home instruction, parents have other options. Section 22.1-254.A allows parents to have their children taught by a **tutor** or a teacher who meets the teacher licensure qualifications prescribed by the Board of Education when that individual has been approved as a tutor by the school division superintendent. The tutor must have a valid Virginia teaching license in any area and may be a parent who meets the tutor qualifications.

Parents seeking a **religious exemption** must petition the school board and show that school attendance conflicts with their *bona fide religious training or belief*. The term bona fide religious training or belief “does not include essentially political, sociological, or philosophical views or a merely personal code.” (§ 22.1-254.B.1)

Parents interested in home instruction, tutoring, or religious exemption should contact their school superintendent’s office for information and assistance.

Home Instruction Qualifications

As prescribed in § 22.1-254.1 of the Code, any parent who elects to home instruct a child in lieu of school attendance must meet certain requirements.

A parent may home instruct a child if:

- I. The teaching parent holds a **baccalaureate degree** in any subject from an accredited institution of higher education.

The parent must submit to the school superintendent documentation, which shows that the parent has the required degree from an accredited institution. (Accreditation is a status conferred by any state, regional, or national accrediting agency or by other agencies, which administer a program of accreditation for institutions offering a baccalaureate degree.) The parent also is required to provide to the school division a description of the curriculum to be followed unless the parent has chosen the correspondence school option. However, the superintendent is not required to evaluate or judge the curriculum or program of study. Submission of the curriculum materials is for information purposes only.

- II. The teaching parent **meets the qualifications for a teacher** prescribed by the Board of Education.

To qualify under this option, the parent must hold a teaching license or a letter of eligibility for licensure in Virginia and submit it to the school superintendent. The parent is required to provide to the school division a description of the curriculum to be followed unless the parent has chosen the correspondence school option. However, the superintendent is not required to evaluate or judge the curriculum or program of study. Submission of the latter materials is for information purposes only.

- III. The teaching parent enrolls the child or children in a **correspondence course** approved by the Superintendent of Public Instruction.

The parent must submit evidence of enrollment; however, no judgment of the materials is required of the superintendent.

The Virginia Department of Education (VDOE) periodically publishes a list of schools offering approved academic courses satisfying the requirements of this option. Requests for approval of courses at schools not on the list should be submitted to the Division of Policy and Communications at the VDOE.

- IV. The teaching parent “provides a **program of study or curriculum**, which, in the judgment of the division superintendent, includes the Standards of Learning objectives adopted by the Board of Education for language arts [English] and mathematics, and provides evidence that the parent is able to provide an adequate education for the child.” (§ 22.1-254.1.A)

While there must be a judgment by the division superintendent, that judgment should be limited to determining whether or not the program of study includes the required objectives and whether the teaching parent provides evidence of his or her ability to provide an adequate education.

To assess the parent's ability to provide an adequate education, the division superintendent should determine whether the document itself exhibits a mastery of language by the writer; whether it includes plans for instructional activities; and

whether it presents a reasonable scope and sequence of content that shows a broad overview of what the parent plans to teach the child during the school year. The superintendent does not have to approve or disapprove the activities or the content and should not pass judgment on whether the curriculum is a satisfactory substitute for that of the public schools.

Annual Notice of Intent To Home Instruct

A parent who elects home instruction must notify the school division superintendent no later than August 15 of the intent to do so for the coming school year. Parents who move into the school division or begin home instruction after the school year has begun must notify the superintendent of their intent to provide home instruction as soon as practicable and comply with the provisions of the statute within thirty days of such notice. The notice may be in the form of a letter or other written document and must identify the child or children involved. The VDOE has developed a form, the *Notice of Intent to Provide Home Instruction*. Parents may use this form to provide notice to the school division. A copy of this form is included in this handbook at Appendix A.

Evidence of Achievement

To comply with § 22.1-254.1.C of the Code, the parent is required to submit, by the following August 1, evidence of the child's academic achievement in one of the following ways:

1. Evidence that the child has attained a composite score in or above the fourth stanine on a battery of achievement tests, which have been approved by the Board of Education for use in the public schools in the Virginia State Assessment Program.
2. An evaluation or assessment, which in the judgment of the division superintendent, indicates that the child is achieving an adequate level of educational growth and progress. If the parent chooses to have an independent assessment conducted, it is imperative that the parent and superintendent confer to determine what is to be submitted to ensure that there is sufficient information on which to base a judgment.

If the parent does not provide the required evidence of progress, the superintendent may place the home instruction program on probation for one year. If this happens, the parent will be required to file a remediation plan and evidence of the ability to provide an adequate education for the child. The superintendent is not required to place the program on probation or accept the remediation plan. For the purpose of this provision, "not provided" means either that no information is submitted or the child is not making satisfactory academic progress as determined by the results of testing conducted by the division or the results of an independent evaluation or assessment.

The evaluation requirement does not apply to children under the age of six as of September 30 of the school year.

There are currently no achievement tests approved by the Board of Education for the Virginia State Assessment Program. Parents should work with local school officials to determine which tests will provide results that will show student performance as indicated above.

Immunization Requirements

Section 22.1-271.4 of the Code requires that all students being taught at home or those excused from attendance under the provisions of § 22.1-254 or § 22.1-254.1 comply with the immunization requirements of § 32.1-46 in the same manner and to the same extent as if the child were enrolled in and attending school. School superintendents are not required to collect this information with the *Notice of Intent to Provide Home Instruction* but may do so at their discretion. Parents are required to provide the information upon request unless the parents submit an affidavit stating that immunization conflicts with their religious beliefs or the parents provide a doctor's statement indicating that one or more of the required immunizations is detrimental to the child's health.

Appeals

Any party aggrieved by a decision of the division superintendent may appeal his or her decision to an independent hearing officer within thirty days of the decision. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

Students with Disabilities

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), requires that all children with disabilities have available a free appropriate public education designed to meet their individual needs in conformity with their individualized education program (IEP). The IDEA regulations make it clear that public education is not the only alternative for children with disabilities. However, children who are being educated in home instruction programs are not entitled to receive some or all of the special education and related services that children would receive if enrolled in public school. The type of special education and related services provided to children with disabilities who are educated in home instruction programs shall be determined by the school division in accordance with the IDEA 2004 requirements. (20 U.S.C. § 1412(a)(10)(A)(i) et seq.) If a school division provides services to a child receiving home instruction, that school division is then responsible for developing and implementing an individualized service plan (ISP) for that child.

Part-Time Enrollment in Public Schools

The 1997 General Assembly enacted legislation, through the Appropriation Act, that allows school boards to permit part-time attendance of children receiving home instruction and private school students and to count such students in Average Daily Membership (ADM) up to a cap of 0.5 of a student. Students may be allowed to enroll in classes in English, mathematics, science, history/social science, or foreign language, career and technical (vocational) education, and fine arts. School boards may permit these students to enroll in any other courses as well. Participation in certain interscholastic activities such as varsity

sports is governed by policies of the Virginia High School League (VHSL). Other extracurricular activities are governed by policies of the school board.

School divisions are not required to allow children receiving home instruction to participate in extracurricular or special programs offered by the school division, such as programs for the gifted. When a parent makes this type of request, the school division should consult any guidelines for administering the program if such guidelines exist. Otherwise, school board policy will prevail.

Transfer Provisions

School boards must make provisions for students who transfer into public schools from home schooling in accordance with the requirements of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-10 et seq.). The regulations, while speaking generally to procedures for secondary schools, require that students be given credit for work done at other accredited schools. In addition, schools are required to evaluate each student's prior record to determine grade placement, credit earned, and the number of credits needed for graduation. There are no state guidelines governing this process. School divisions should have policies in place to guide this practice.

School divisions should follow these procedures at all grade levels for children who have been home schooled when they transfer into public schools.

High School Graduation

State law requires that school boards award diplomas to students who have earned the units of credit prescribed by the Board of Education and meet such other requirements as may be prescribed by the school board and approved by the Board of Education. Typically, school boards do not award diplomas to students who are not enrolled in public schools under their supervision. Therefore, students taught at home may not receive diplomas unless those students are enrolled in a correspondence program or other program that includes awarding a diploma or other exiting credential.

ADDITIONAL RESOURCES

The following organizations can assist parents with information regarding home instruction:

HOME EDUCATORS ASSOCIATION OF VIRGINIA

2248 G Dabney Road
Richmond, Virginia 23230
(804) 278-9200
(804) 278-9202 (Fax)
e-mail: heav33@aol.com
<http://www.heav.org/>

THE ORGANIZATION OF VIRGINIA HOMESCHOOLERS

Post Office Box 5131
Charlottesville, Virginia 22905
(866) 513-6173
e-mail: vhea@virginia.edu
www.VaHomeschoolers.org

ADDITIONAL ASSISTANCE

For general questions regarding home instruction, please contact the Policy Office at 804-225-2092 or by email at <mailto:Policy@doe.virginia.gov>.

For questions regarding testing, please contact your school superintendent's office, or its home instruction designee within your school division.

Questions regarding special education should be addressed to the Division of Special Education and Student Services, at (804) 371-7420 or 1-800-422-2083 or you may call your school division's special education director. You will find a list of the special education directors for public schools in Virginia on this department's Web site at:

<http://www.doe.virginia.gov/VDOE/Instruction/Sped/leadir.pdf>

The department's mailing address is:

Virginia Department of Education

P.O. Box 2120

Richmond, VA 23218-2120

The **department's Web site** is located at:

<http://www.doe.virginia.gov/VDOE/Parents/index.html>

Information about home instruction may be found on the VDOE Web site at

<http://www.doe.virginia.gov/VDOE/Parents/index.html> - [homeinstruction](#).

NOTICE OF INTENT TO PROVIDE HOME INSTRUCTION

(PLEASE FORWARD THIS FORM TO YOUR SCHOOL DIVISION.)

I am providing notice of my intention to provide home instruction for the child(ren) listed below as provided for by § 22.1-254.1 of the Code of Virginia, in lieu of having them attend school for the school year 20_____ - _____.

Name(s) of Child(ren)	Date of Birth	GRADE LEVEL
_____	_____	_____
_____	_____	_____
_____	_____	_____

I wish to be recognized as eligible to provide home instruction by selecting the option indicated below. (Check one below.)

- ☐ **I have a baccalaureate degree.**
(Attach copy of diploma or certificate from college or university.)
- ☐ **I have the qualifications prescribed by the Board of Education for a teacher.**
(Attach copy of teaching certificate or statement to this effect from the Virginia Department of Education.)
- ☐ **I have enrolled the child(ren) in a correspondence course approved by the Superintendent of Public Instruction.**
(Attach notice of acceptance or other evidence of enrollment showing name and address of school and the courses in which each child is enrolled.)
- ☐ **I have attached to this notice a program of study for the coming year which includes the state Standards of Learning objectives for language arts and mathematics for each child.** Also, I have attached a statement, which describes why I am able to provide an adequate education for my child(ren).

I understand that by August 1 of next year, I must provide evidence of educational achievement as prescribed in § 22.1-254.1 of the Code of Virginia, which defines the requirements for home instruction.

I hereby certify that I am the parent or guardian of the child(ren) listed above.

Parent/Guardian Signature

Date

Name and Address
(Please print or
type)